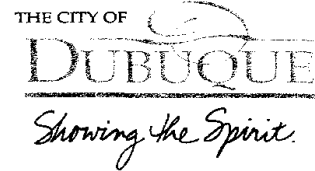
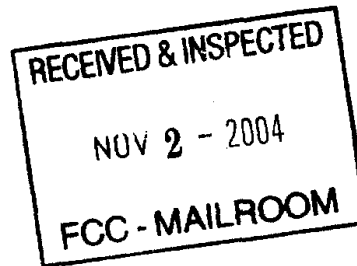


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October 19, 2004

DOCKET FILE COPY ORIGINAL

Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street SW
Washington D.C. 20554

Re: Review of the Emergency Alert System, EB Docket No. 04-296

Dear Chairman Powell:

For the past twenty-three years, the City of Dubuque, Iowa, has relied upon local emergency alert systems provided by its cable television operators to alert our citizens to local emergencies not otherwise carried by regional alert systems such as the Federal EAS. In our part of the country, such threats to life and property may include the release of anhydrous ammonia or other toxic agricultural chemicals as a result of a traffic accident, a Mississippi River barge accident or a large fire. They may include dangerous flooding of local streams or of the Mississippi itself. They may include obstructed streets, downed power lines, or other specific problems or continuing local threats following a severe weather event. On several past occasions, we have used our cable emergency alert system to relay instructions to Dubuque residents during the temporary loss of 911 telephone service, and even to assist in the call-up of off-duty police and fire personnel in a very large fire. With the nearest "local" broadcast television news outlets at least sixty miles away in larger population centers, and with significant local circumstances and environmental factors, (such as the nation's largest navigable river at our front door), our cable emergency alert system has proven invaluable on occasions when broadcast television news operations only reported our emergencies after the threats had ended.

Over the years, the FCC has steadfastly supported local cable emergency alert systems such as ours as others have sought pre-emption of them. Now, we understand from the recent Notice of Proposed Rulemaking that you may be considering a reversal of this long-standing position as you craft a new national alert system. There appears, at least at this stage, no recognition of the need, in the proper context within national alert planning, for our continued capability to directly alert our local residents without the intervention of a third party in the event of a local emergency.

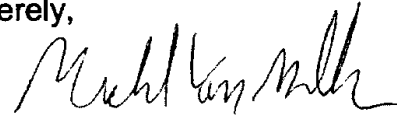
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Honorable Michael Powell
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We are advised that the FCC does not have the authority to pre-empt local emergency alert systems provided in cable franchises, yet we recognize the importance of coordinating and simplifying the process of alerting Americans nationally, regionally and locally of imminent threats to which they should respond.

Please do not pre-empt local cable emergency alert systems as you design and implement a new national alert system. Please assure that whatever system or combination of systems result from this rulemaking provide for direct participation and activation by local authorities in local emergencies.

Sincerely,



Michael C. Van Milligen
City Manager

MCVM:mc

cc: Senator Charles Grassley
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Washington, DC 20510-1501

Senator Tom Harkin
United States Senate
731 Hart Building
Washington, DC 20510

Congressman Jim Nussle
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Commissioner Kathleen Q. Abernathy
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